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July 8, **RECEIVED**

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

JUL - 8 2003

Ex Parte Notice

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Implementation of Section 11 of the Cable Television Consumer Protection and Competition Act of 1992, CS Docket No. 98-82; Implementation of Cable Act Reform Provisions of the Telecommunications Act of 1996, CS Docket No. 96-85; The Commission's Cable Horizontal and Vertical Ownership and Attribution Rules, MM Docket No. 92-264; Review of the Commission's Regulations Governing Attribution of Broadcast and Cable/MDS Interests, MM Docket No. 94-150; Review of the Commission's Regulations and Policies Affecting Investment in the Broadcast Industry, MM Docket No. 92-51; Reexamination of the Commission's Cross-Interest Policy, MM Docket No. 87-154.

Dear Ms. Dortch:

On July 8, 2003, the undersigned had a telephone conversation with Bill Johnson, Deputy Chief, Media Bureau, concerning iN DEMAND's plans to launch a new high definition television ("HDTV") channel. iN DEMAND is a pay-per-view programming cooperative owned by Comcast Corporation, Cox Communications, Inc. and Time Warner Entertainment-Advanced/Newhouse Partnership.

I explained that consumers are increasingly demanding HDTV programming. However, it is unclear when the full conversion to HDTV will occur, although it certainly will be prolonged by the dearth of currently available HDTV content, especially highly compelling content, and because most producers of live sports and events are as yet unwilling to take on the significantly higher production expenses associated with producing programming in HDTV.

iN DEMAND is uniquely suited to develop an interim HDTV programming solution quickly and cost effectively. Creating an HDTV channel involves very significant startup costs, including expensive HDTV production equipment, as well as programming fees, transponder capacity, marketing, and on-air promotion costs. However, iN DEMAND can spread these costs among its three owners and, using its existing infrastructure, avoid redundant costs for each owner, thereby making the channel more affordable and substantially decreasing the time it takes

to launch the service for consumers. The development of this channel could be prohibitively expensive and time-consuming for one cable operator to "go it alone."

Finally, I described the many public policy benefits of iN DEMAND's HDTV channel. For example, it will provide greater programming choice for consumers, and it will advance the digital transition by providing additional outlets for original programming already produced in HDTV and spurring the development of new HDTV programming.

This letter is filed pursuant to section 1.1206(b)(2) of the Commission's rules. Please let me know if you have any questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James R. Coltharp", is written over a horizontal line.

James R. Coltharp
Chief Policy Advisor, FCC and Regulatory Policy
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202-638-5678

cc: William Johnson